

THOMAS F. MILTON

FEBRUARY 21, 1956 — Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 7403]

The Committee on the Judiciary, to whom was referred the bill (H. R. 7403) for the relief of Thomas F. Milton, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay Thomas F. Milton, of 88 Violet Avenue, Hillingdon, Middlesex, England, the sum of \$11,197.60 in full satisfaction of all claims against the United States for damages resulting from injuries sustained in an accident involving United States Air Force personnel in Uxbridge, Middlesex, England, on May 10, 1952, while he was exercising his duties as a constable in the London Metropolitan Police.

STATEMENT OF FACTS

Mr. Milton was injured in the course of a struggle with two disorderly American airmen on May 10, 1952. He was on duty as a policeman when in the company of two other police officers he was summoned to a dance hall because two airmen were creating a disturbance. The two men resisted police efforts to remove them from the hall, and in the struggle Mr. Milton fell down a flight of stairs, and suffered severe injuries about the eyes and skull.

The facts of this occurrence are more fully set forth in the report furnished this committee by the Department of the Air Force. The report further outlines the injuries sustained by Mr. Milton, and describes their residual effects. This committee concurs with the recommendation that the bill providing for a payment of \$11,197.60 be favorably considered. The evidence set forth in the report of the

Department of the Air Force, and the other evidence submitted in support of the claim clearly shows that such a payment has merit. The committee therefore recommends that the bill be favorably considered.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, September 12, 1955.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for a report on H. R. 7403, 84th Congress, a bill for the relief of Thomas F. Milton.

The bill, if enacted, would direct the payment of the sum of \$11,197.60 to Mr. Thomas F. Milton to compensate him for damages resulting from personal injuries received when assaulted by a member of the United States Air Force.

Mr. Milton is a former member of the London Metropolitan Police. On May 10, 1952, while he was on duty with said police organization, he was called to the Burton Hall Dance Club, Windsor Street, Uxbridge, Middlesex, England, where two American airmen were intoxicated and endeavoring to gain admission against the will of the management. The airmen were so abusive and adamant in their refusal to leave that Mr. Milton and two other constables had to use force in order to carry out their duty. A struggle ensued with the result that Mr. Milton fell down a flight of stairs and suffered severe injuries about the eyes and skull. The two airmen were subsequently tried and convicted by court-martial and served sentences for being drunk and disorderly.

Mr. Milton received medical care at the Hillington Hospital, from May 10, 1952, to June 3, 1952, and St. Thomas Hospital, from June 3, 1952, until July 10, 1952, undergoing a cranial operation while at the latter hospital. He was examined March 3, 1954, by a United States Air Force physician, who was of the opinion that Mr. Milton was suffering from a posttraumatic encephalopathy mild, plus permanent damage to the first and fifth cranial nerves. The complaints were found to be consistent with a cortical brain injury. It was the opinion of this physician that due to these injuries Mr. Milton was only able to do light work and that his injuries have permanently affected his ability to work. He was discharged from the metropolitan police force on March 5, 1953, because of his physical inability to perform his work. Since then, he has worked at various types of light jobs averaging the approximate equivalent of \$31.63 per week.

A claim has been submitted in the equivalent amount of \$16,438.92 under the provisions of the Foreign Claims Act, but it necessarily had to be rejected because of failure to file within the time required by the statute of limitations. Otherwise, this Department believes the claim to be meritorious if it were lessened to \$11,197.60, the amount stated in the bill. The basis for this appraisal is as follows: General damages, £1,600.0.0; loss of income, £2,382.12.10; total, £3,982.12.10, or \$11,197.60.

The loss of income is computed on the basis of the salary and pension that he would have received if he retired at the normal age less the amount he actually will receive in employment and pension having been retired involuntarily as a result of his injuries. Actual rates of pay and pension were applied to a life expectancy of 73 years, the average age of death of retired police officers in London.

The Department of the Air Force favors enactment of this bill.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

JAMES H. DOUGLAS,
Under Secretary.

At about 9.30 p. m. on the 11th May 1952, I went to the dancehall, Burton's Buildings, Windsor Street, Uxbridge, where I had been informed there was a disturbance.

Arriving at the entrance to the dancehall, on the top landing of the building I saw three men. I recognized them as three I had just previously spoken to in High Street, Uxbridge, requesting them to behave. They were American forces

personnel and on first occasion were drunk and pushing each other on the pavement. They smelt of alcohol and were staggering but when I spoke to them pulled themselves together and went away quietly.

On the second occasion they were outside the dancehall trying to force their way in past the doorkeeper who was doing his best to keep them out. There was a cluster of dancers who appeared angry at the Americans' behaviour. In my presence and that of P. C. 456 X Lewis, the doorkeeper asked the Americans to leave. They continued to force their way. They were asked by P. C. Lewis and myself to leave and as they again refused, with P. C. 388 X Ford, P. C. Lewis and I assisted the doorkeeper to eject them. We had managed to get them down several stairs when the man who was being ejected by P. C. Ford and who had been struggling to get back, broke free. I made a grab at this man. There was a violent struggle and the next thing I knew I was flying through the air over the top of the man. I remember no more. Whether I was pushed, struck or whether it was in the struggle, I cannot say.

(Signed) THOMAS F. MILTON.

Certified true copy of original statement

LOROOM KNIGHT,
Welfare Officer, Metropolitan Police.

MAY 10, 1952.

At 9.45 p. m. I was walking toward Uxbridge Police Station to parade for night duty when I was informed by P. C. 840 X Milton that there was disturbance at Burton's Dancehall. I followed P. C. Milton to the top landing where I saw three men among a crowd of people trying to force their way past the doorkeeper at the entrance to the dancehall. They appeared to be drunk. I then saw P. C. 456 X Lewis and P. C. Milton assisted by the doorkeeper, forcing one of the men away from the door.

I took hold of one of the men whom I now know to be Earl English, of the American Air Force, by the right arm. He then gripped hold of my arm. I told him to let go. English replied, "Let me go." He was also being held from behind by a third American. We asked the men to leave quietly but they struggled again to get back toward the dancehall. P. C.'s Lewis and Milton and myself held English, who was struggling violently and managed to force him down several stairs. All this time another American, whom I now know to be Boyd Mills, attempted to interfere and assist English in getting away from us. P. C. Lewis several times told him to go away. On reaching the first flight of stairs leading toward the street entrance, English became very violent. P. C. Milton and myself endeavoured to restrain him. Suddenly he wrenched himself toward P. C. Milton clutching hold of him, at the same time swaying outward across the stairs. He then fell backward pulling P. C. Milton with him and they hit the foot of the stairs. Milton lay on his back with his head against the street door which was partly open, and his feet resting on the stairs. English lay on his back with his feet up the stairs. They were both unconscious. I saw P. C. Milton bleeding from a head wound and immediately went to his assistance. I raised him up loosened his clothing and with the help of some civilians carried him into the police station, thence to Hillingdon Hospital where I went with him.

(Signed) PETER FORD,
P. C. 388 "X".

Certified true copy of report on official papers.

LOROOM KNIGHT,
Welfare Officer.

At about 9.45 p. m. on 10th May 1952 I was on duty on High Street patrol when I was called to the dancehall, Burton's Buildings, Windsor Street, Uxbridge, to an alleged disturbance.

On my arrival I went to the top landing and saw three men surrounded by a crowd. They were trying to force past the doorkeeper into the dancehall. They were drunk. The doorkeeper asked them to leave in my presence and that of P. C. 840 Milton, who was also present. They took no notice of the request and we repeated it, but they also ignored us. The crowd were incensed. The doorkeeper took hold of the first man, Boyd Mills, of the American Air Force, to eject him and he struck at him. I went to the doorkeeper's assistance with P. C. Milton and we forced the three men away from the door of the dancehall. I then saw that P. C. 388 Ford had come to our assistance and was holding Earl English, also of the American Air Force, by the right arm, English was also gripping Ford's

arm. The P. C. said "let go my arm." English said "Let me go." English was being held from behind by the third American whose name I do not know. We again asked them to leave quietly but they continued to struggle and force their way back to the dancehall. P. C.'s Milton and Ford and myself forced English down several stairs, all the while he struggled violently to free himself and to get back up the stairs. We were continually interfered with by Mills, who tried to pull us away from English and assist his escape. I told him to go away several times and eventually took hold of him and said "I am going to take you into custody for being drunk and disorderly and obstructing a police officer in the execution of his duty. He made no reply but continued in his efforts to assist English who was still struggling with P. C.'s Milton and Ford. I prevented Mills from passing me and he turned and held on to the bannister when I tried to take him under arrest. I was forcing him away from the bannister when I heard a crash on the stair behind me. I saw English lying on his back on the last landing with his feet partly up the stairs. He appeared to be unconscious. Below him, between the foot of the stairs and the street doors (one-half of which were closed) I saw P. C. Milton, also lying on his back. The light from a street lamp was partly on his face and I saw he was bleeding badly from the nose and left eye. He appeared to be unconscious. P. C. Ford attending him. I removed Mills as quickly as possible to the police station nearby and there obtained assistance. I returned to the dancehall but was unable to find the third American who had remained on the upper landing.

(Signed) GLANDYN LEWIS,
P. C. 456 X.

Certified true copy of report on official papers.

LOROOM KNIGHT,
Welfare Officer.

14 BEECHCROFT TERRACE,
WHITEHALL ROAD, UXBRIDGE, MIDDLESEX,
March 14, 1953.

On Saturday May 10, 1952, I was acting as doorman at Burton's Dancehall which is the top story of Burton's Buildings, Windsor Street, Uxbridge. Just before 10 p. m. I was inside the dancehall when I was told there was a disturbance outside the door leading into the hall. I went outside and saw Mr. George Paton, another doorman, and Mr. James Letts, the manager, struggling with three American Air Force men, who were in civilian clothes. I asked Mr. Letts what the trouble was about and the American who held Mr. Letts by the lapels of his coat said, "Here's another bloody Englishman" he then grabbed me and began manhandling me. Mr. Letts came to assist me and the American turned on Mr. Letts again. A large crowd had assembled and were becoming unruly. The Americans were very drunk and violent and were hitting out at people standing on the top of the stairs. The people were becoming resentful at the language and expressions being used. Mr. Paton then went for police assistance; shortly afterward three policemen came up the stairs and tried to restore order, and asked the Americans to leave but they still continued to fight. The policemen then tried to eject them and they continued to struggle furiously. P. C. Milton caught hold of one American and was forcing him down the stairs in front of the others; the American was still shouting and struggling and I lost sight of them on the second flight of stairs; the other 2 policemen were struggling with the other 2 Americans behind them. I then turned and tried to restore order amongst the crowd. The Americans to the best of my knowledge had not been provoked in any way. I could not see any reason for their attitude except that they were very drunk and abusive.

(Signed) V. EVANS.

Certified true copy of report on official papers.

LOROOM KNIGHT,
Welfare Officer.

138 ROYAL LANE, HILLINGDON,
March 14, 1953.

On Saturday May 10, 1952, I was acting as doorman at Burton's Dancehall, Windsor Street, Uxbridge. The dancehall is the top story of the building. Just before 10 p. m. I heard a commotion and the sound of fighting outside the door leading to the dancehall. I went out and saw 3 Americans, whom I now know to have been members of the United States Army Air Force, in plain clothes fighting

with 2 members of the club. They were very drunk and violent and in a very short time a large crowd assembled. Mr. James Letts, the manager of the dancehall, and Mr. Vincent Evans, another doorman, rushed out to assist me to restore order and one of the Americans began to fight with Mr. Vincent Evans. Mr. Letts went to assist Mr. Vincent Evans and the American turned on him shouting "I'll fight any bloody Englishman." By this time the conduct of the Americans was causing the crowd to get out of hand and Mr. Letts told me to get police assistance. I went to the police station, which is about 50 yards away, and when I got back to the dancehall I saw 3 policemen trying to restore order but the Americans continued fighting and hitting people standing around. Owing to their violence the police began to eject the 3 Americans who resisted very violently. I saw P. C. Milton forcing one of the Americans down the stairs and the American was struggling furiously. By this time P. C. Milton had lost his helmet in the fight. The other 2 policemen were struggling with the other 2 Americans to get them down the stairs and as they went downstairs I lost sight of them and tried to restore order among the crowd who were getting out of hand owing to the unprovoked violence of the Americans, who were fighting mad with drink.

(Signed) G. PATON.

Certified true copy of report on official papers.

LOROOM KNIGHT,
Welfare Officer.

NEUROPSYCHIATRIC SERVICE,
FIFTH HOSPITAL GROUP,
APO 232, United States Air Force, March 8, 1954.

Subject: Medical examination of British civilian.

To: Office of the Staff Judge Advocate, Headquarters, Third Air Force.

(Attention: Major Nadel, APO 125, United States Air Force.)

1. Mr. Thomas Milton was seen in this clinic for medical evaluation on March 5, 1954.

2. The patient suffered a head injury on May 10, 1952, while on duty as a policeman when he got into a scuffle with three American airmen. The medical report from St. Thomas Hospital in London states that he was found to have a fracture on the floor of the left orbit and a fissure fracture of the right temporal bone. On June 17, 1952, an operation was performed by Mr. Harvey Jackson and the frontal lobe was examined but there was no evidence of trauma discovered. A fracture line was found in the anterior fossa which ran across the roof of the orbit. He was last examined at St. Thomas Hospital on September 9, 1953, at which time he complained of blurred vision in the left eye, pains in the left side of his head, deafness in the left ear and paresthesia of the left side of his face. Examination at that time showed diminution of sensation over the left side of his face. There was no material loss of hearing but there was moderate loss of vision of the left eye and contraction of the visual field from 15° to 20°. It was the opinion of the examining physician that the disability now is the pain in his head and considerable loss of vision in his left eye. There had been no improvement in the visual fields during the preceding year and it was considered that he would have a permanent loss of vision.

3. Examination at this hospital was essentially the same as that of September 9, 1953. He was found to have decreased color perception in the left eye and constriction of the visual field down to 15°. There was optic atrophy of the left eye and involvement of the fifth nerve on the left. Maj. Merrill Grayson, ophthalmologist, felt that the damage to the left eye would be permanent. There was no involvement of the right eye.

4. Neurological examination showed decreased sensation over the distribution of the fifth cranial nerve on the left side and hyperesthesia at the site of operation on the left side of his head. In addition the patient complained of irritability and some memory difficulties which are consistent with a cortical brain injury.

5. It is felt that Mr. Milton is suffering from a posttraumatic encephalopathy, mild, plus permanent damage to the first and fifth cranial nerves. He is able to do light work, such as his clerical job, but there is no doubt that the injury has permanently affected his ability to work.

RICHARD E. TROY,
Major, USAF (MC),
Chief, Neuropsychiatry.

ST. THOMAS' HOSPITAL,
London, September 23, 1953.

MEDICAL REPORT

Name: Thomas Milton.

Age: 44 years.

Address: 88 Violet Avenue, Hillingdon, Middlesex.

This patient was admitted to this hospital on June 3, 1952, under the care of Mr. Harvey Jackson, having been transferred from Hillingdon Hospital.

He had sustained a head injury on May 10, 1952, and had been unconscious for about 10 minutes and had retrograde amnesia over a period of 3 hours. He was found to have a fracture on the floor of the left orbit and a fissure fracture of the right temporal bone.

On May 30, he developed a fever and a clear nasal discharge. Examination showed that he had cerebrospinal rhinorrhoea. On arrival at St. Thomas' Hospital his rhinorrhoea had stopped, and examination showed that he had anosmia in the left nostril, and there was a central scotoma in the left eye. The other cranial nerves were normal. No further abnormality in the central nervous system was found. An X-ray of his skull showed a considerable amount of air in the ventricles.

On June 17, 1952, an operation was performed by Mr. Harvey Jackson. A left frontal flap was turned down, and the frontal lobe was examined but no evidence of trauma was discovered. The fracture line in the anterior fossa was found to be running across the roof of the orbit. A piece of fascia and periosteum was laid over the crebiform plate.

Following this operation his progress was good, apart from two epileptiform fits, and he was discharged on July 10, 1952.

Since then he has, I understand, been discharged from the metropolitan police on account of his disability.

When I last saw him on September 9, 1953, he complained that he had blurred vision in the left eye and said that the left side of his face felt as if it did not belong to him. He was having severe pains in the left side of his head. He also complained of deafness in the left ear.

On examination his central nervous system was found to be normal with the possible exception of diminution of sensation in the distribution to the fifth nerve. An audiogram was carried out and there was found to be no material loss in hearing. Visual acuity tests showed vision in his right eye to be six-ninths but in the left eye only six-sixtieths. The pupils reacted normally and ocular movements were full. Visual field tests showed in the left eye generalized contraction of the whole field down to 15-20 degrees. The physiological blind spot was not enlarged and there appeared to be a small deficiency in the nasal portion of the nasal field.

It would appear that his main disability now is the pain in his head and the considerable loss of vision which he has in his left eye. There has been no improvement in his visual fields during the past year, and it must be considered that he will have permanent loss of vision.

E. W. NOALL, M. D., B. S.,
House Surgeon to Mr. Harvey Jackson.

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